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June 5, 2020

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By ECF

Judge Ronnie Abrams
U.S. District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Bloom et al. v. Emden et al., No. 19-cv-10155

Judge Abrams:

The parties jointly write pursuant to the Court's telephonic conference on May 29, 2020, during which the Court granted Plaintiffs leave to conduct limited discovery on personal jurisdiction, to provide a proposed schedule for that discovery.

The parties propose that discovery be completed within 90 days. In terms of additional briefing, the parties propose that, within two weeks of the cutoff date for jurisdictional discovery, Plaintiffs may file a supplemental brief in further opposition to the motion to dismiss. Thereafter, Defendants will have two weeks to file a supplemental brief in support of their motion to dismiss. Both supplemental briefs shall be subject to the page limits that govern principal briefs.

The parties expect discovery to consist of third-party document requests concerning communications between the Defendants and their agents, and employees of Christie's and Sotheby's auction houses. The parties will stipulate to the authenticity of documents produced in response to these requests. Any exceptions to this stipulation will be made as soon as practicable. The parties expect that these document requests can be issued, and responsive documents produced, within 30 days from the initiation of discovery—which the parties intend to start next week if this proposal meets with the Court's approval.

Plaintiffs then expect to issue interrogatories to the third-party auction houses, and interrogatories or requests for admission to Defendants and their agents, based on the contents of the documents produced in response to the document requests. The parties also expect to negotiate a set of stipulated facts, which may obviate the need to issue interrogatories or requests for admission to Defendants. The parties expect that these two steps will be completed within 60 days of the initiation of discovery.

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Depending on the responses to Plaintiffs' document requests, interrogatories, and requests for admission, and based on the parties' stipulated facts, Plaintiffs may seek to take limited depositions of employees of Christie's or of Defendants' agents. Should Plaintiffs seek such depositions, the parties agree to meet and confer concerning the scope of such depositions, recognizing that Defendants do not waive attorney-client privilege by agreeing to this step. Any such depositions would be concluded within 90 days of the initiation of discovery.

Finally, the parties have conferred with respect to the Court's inquiry regarding mediation. Plaintiffs appreciate the Court's suggestion and are willing to participate in a mediation conference with the magistrate judge. Defendants do not believe mediation would be productive at this time.

Respectfully submitted,

/s/ Nicholas M. O'Donnell
Nicholas M. O'Donnell
Counsel for Defendants

/s/ John D. Winter
John D. Winter
Counsel for Plaintiffs

The parties' proposed timeline to complete limited jurisdictional discovery, as well as the proposed scope of discovery, is granted. Accordingly, the parties shall complete limited jurisdictional discovery no later than September 8, 2020. If Plaintiff deems it necessary after completing discovery, it may file a supplemental brief within two weeks of discovery's completion, with Defendant's supplemental brief, if any, due two weeks after that.

The Court will stay resolution of the motion pending at docket entry 17 until the anticipated discovery is complete and the parties have filed their supplemental briefs.

In addition, by separate order, the Court will refer this matter to Magistrate Judge Parker for a settlement conference and discovery, in the event that any disputes arise. The parties shall participate in the settlement conference while discovery is ongoing.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
June 8, 2020